

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED IN *hph* D.C.

55 JUN 16 AM 11:31

ROBERT N. DI TROLO
CLERK, U.S. DIST. CT.
WD. OF TN, MEMPHIS

FITEC INTERNATIONAL, INC.,
a Tennessee Corporation

Plaintiff

vs.

PAUL C. ARDERN, an individual
resident of the State of Florida,

Defendant

vs.

FITEC INTERNATIONAL, INC.,
a Tennessee Corporation

Counter-Defendant

Civil Action No. 2:04CV2326-D/V

JURY DEMANDED

SECOND AMENDED JOINT SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held on July 22, 2004. Present were John r. Branson, counsel for Plaintiff, and Todd B. Murrah, counsel for Defendant.

Pursuant to an Order Granting Joint Motion for Modification of Scheduling Order, the following dates were established as the final dates for:

Initial Disclosures: Pursuant to Fed.R.Civ.P. 26(a)(1): August 30, 2004.

Joining Parties: September 30, 2004.

Amended Pleadings: May 1, 2005.

Initial Motions to Dismiss: October 29, 2004.

Completing All Discovery: November 15, 2005.

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(a) **Document Production:** June 17, 2005.

(b) **Interrogatories and Requests for Admissions:** June 17, 2005.

(c) **Depositions of Fact Witnesses:** August 30, 2005.

(d) **Expert Witness Disclosure (Rule 26):**

1) **Disclosures of Plaintiff's Rule 26 Expert Information:** September 15, 2005.

2) **Disclosures of Defendant's Rule 26 Expert Information:** October 15, 2005.

(e) **Expert Witness Depositions:** November 15, 2005.

Filing Dispositive Motions: November 30, 2005.

OTHER RELEVANT MATTERS:

This case is set for jury trial, and the trial is expected to last 4 to 5 days. The presiding Judge will set the pretrial conference date and trial date.

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation after the close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed.R.Civ.P. 12, 56, 59 and 60 shall be accompanied by a proposed order.

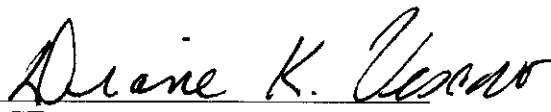
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the Court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties have not consented to trial before the Magistrate Judge.

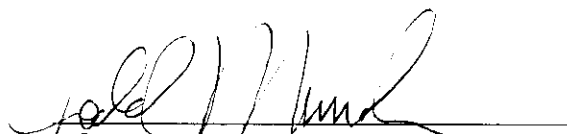
This order has been entered after consultation with trial counsel pursuant to notice.

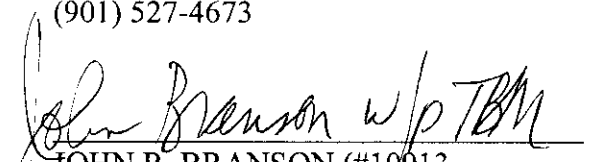
Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED.


JUDGE
DATE: June 15, 2005

APPROVED:


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Notice of Distribution

This notice confirms a copy of the document docketed as number 31 in case 2:04-CV-02326 was distributed by fax, mail, or direct printing on June 16, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT